OCKET NO: WYTH0011-100 (AM100155)

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Benjamin, Dulin and Suryawanshi

Serial No.: 09/896,226 Examiner: S. Jiang

Filing Date: June 29, 2001 Art Unit: 1617

Title: PHARMACEUTICAL COMPOSITIONS OF ESTROGENIC AGENTS

EXPRESS MAIL LABEL NO: EL963418787US DATE OF DEPOSIT: June 10, 2005

Mail Stop RCE Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and in accordance with 37 C.F.R. §§ 1.97 and 1.98, information relating to the above-identified application is hereby disclosed, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO Forms SB/08A and SB/08B, formerly known as PTO Form 1449 submitted herewith.

Inclusion of the information submitted herewith is not to be construed as an admission that the information is material as that term is defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

## This Information Disclosure Statement is being filed:

	within three months of the filing date of the patent application.
	within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application.
	before the mailing date of a first Office Action on the merits.
$\boxtimes$	<b>before</b> the mailing date of a first Office Action on the merits with the filing of a Request for Continued Examination under § 1.114.

of a R	the mailing date of a first Office Action on the merits or after the filing equest for Continued Examination under § 1.114, but before the mailing of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of ance under 37 C.F.R. § 1.311, and accordingly is accompanied by:				
	the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below);				
	or				
	the Fee of \$180.00 set forth in 37 C.F.R. § 1.17(p); or				
	No fee is owed by the applicant(s).				
In accordance with 37 C.F.R. § 1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below) and the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p), is attached.					
Notice with, Staten	after the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, but before, or simultaneously with, the payment of the Issue Fee, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e), and the Fee of \$180.00 set forth in 37 C.F.R. §1.17(p).				
Copies of the references listed on the attached PTO Forms SB/08A a SB/08B, formerly known as PTO Form 1449 are enclosed. A copy of t International Search Report dated May 7, 2002 for International Applications. PCT/US01/20993 is also enclosed.					
EXCI	EPT THAT:				
	In view of the voluminous nature of references, and the likelihood that these reference are available to the Examiner, copies are not enclosed herewith.				
	In accordance with 37 C.F.R. § 1.98(d), copies of the following references listed on the attached PTO Form SB/08A and PTO Form SB/08B, formerly known as PTO Form 1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application.				
	If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.				

	Staten	tement under 37 C.F.R. § 1.97(e)				
		The undersigned attorney hereby states that in the Supplemental Information Disclos communication from a foreign patent offic application not more than three months price Disclosure Statement.	sure Statement was cited in a see in a counterpart foreign patent			
	Staten	nent under 37 C.F.R. § 1.704(d)				
	Fees	The undersigned attorney hereby states that econtained in the Information Disclosure State communication from a foreign patent office the communication was not received by any in §1.56(c) more than 30 days prior to the fill Disclosure Statement.	ement was cited in a in a counterpart application and individual designated			
	rees ⊠	No Information Displacement Continuent Too in	and had a and in and a			
		No Information Disclosure Statement Fee is				
		The Information Disclosure Statement Fe § 1.17(p) is enclosed herewith.	ee of \$180.00 under 37 C.F.R.			
		The Petition Fee of \$130.00 under 37 C.F.R.	$\S 1.17(i)(1)$ is enclosed herewith.			
	Metho	od of Payment of Fees				
		Attached is a check in the amount of \$ submitted in duplicate.	This form is			
		Charge Deposit Account No. 50-1275 in the submitted in duplicate.	e amount of \$180.00. This form is			
		Please charge any deficiency or credit any 50-1275.	overpayment to Deposit Account			
		No fee or Statement is required under 37 C.F.	F.R. § 1.97(b).			
			Respectfully submitted,			
Dated:	June 1	10, 2005	Quan L. Nguyen			
			Registration No. 46,957			

COZEN O'CONNOR, P.C. 1900 Market Street, 5<sup>th</sup> Floor Philadelphia, PA 19103-3508 (215) 665-2000 – Telephone (215) 665-2013 - Facsimile

PTO/SB/08a (08-03)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known				
Application Number	09/896,226			
Filing Date	June 29, 2001			
First Named Inventor	Eric J. Benjamin			
Art Unit	1617			
Examiner Name	Shaojia A. Jian			
Attorney Docket Number	WYTH0011-100 (AM100155)			

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.1	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
	15	US- 5,880,137	03-09-1999	Miller et al.	Figures Appear
		US-			<del>-</del>
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	FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cito	Foreign Patent Document	Foreign Patent Document		Pages, Columns, Lines,	
	Cite No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	16	EP 0670162	09-06-1995	Eli Lilly		
	17	EP 0674903	10-04-1995	Eli Lilly		
	18	EP 0729956	09-04-1996	Eli Lilly		
	19	FR 2698788	06-10-1994	UPSA		
	20	EP 0802183	10-22-1997	Am. Home Prod.		
		-				

Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Complete if Known

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number 09/896,226 Filing Date June 29, 2001 First Named Inventor Eric J. Benjamin Art Unit 1617 Examiner Name Shaojia A. Jian

(Use as many sheets as necessary)

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Sheet of Attorney Docket Number WYTH0011-100 (AM100155)

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of					
Examiner Initials *	Cite No. <sup>1</sup>	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>		
	21	Copy of International Search Report dated May 7, 2002 for International Application No. PCT/US01/20993.			
<del></del>					
			<u> </u>		

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.